

# In the Indiana Supreme Court

**IN THE MATTER OF** )  
 )  
**THE APPOINTMENT OF** )  
 )  
**J. ERIC SMITHBURN AS SENIOR** ) **Case No.**  
 )  
**JUDGE IN THE ST. JOSEPH** )  
 )  
**SUPERIOR COURT** )

## **ORDER APPOINTING SENIOR JUDGE**

The presiding judge of the St. Joseph Superior Court has requested the appointment of Senior Judge J. Eric Smithburn for service in all divisions of that court for 2005, pursuant to Ind. Code §33-4-8-1.

This Court adopted revisions to Administrative Rule 5 on December 3, 2003, which made certain changes to the senior judge program in recognition of the importance of senior judges to the administration of justice in Indiana trial courts. Accordingly, we find that the St. Joseph Superior Court has demonstrated the need for additional judicial resources based on this court's most recent weighted caseload statistics and would benefit from the appointment of senior judges to that court. Senior Judge J. Eric Smithburn has been certified as a senior judge by the Judicial Nominating Commission for the calendar year 2005 pursuant to Ind. Code §33-2.1-4-17. This Court may re-examine the

appointment made herein at a later date in light of weighted caseload statistics and other circumstances, and make adjustments accordingly.

IT IS, THEREFORE, ORDERED that Senior Judge J. Eric Smithburn is appointed to serve in all divisions of the requesting trial court at the discretion of the presiding judge, effective **January 1, 2005**. This appointment shall remain in effect until **December 31, 2005**. All divisions of the superior court shall utilize no more than two hundred forty (240) senior judge service days in the aggregate for all divisions during the period ending December 31, 2005, and it shall be incumbent upon the presiding judge of that court to ensure that no more than two hundred forty (240) senior judge service days are used. Pursuant to Ind. Code §33-4-8-5, the senior judge appointed by this Court in this Order may not be compensated as senior judge for more than one hundred (100) days in the aggregate during the 2005 calendar year.

The Clerk of this Court is directed to forward a certified copy of this order to the Honorable John Marnocha, presiding judge of the St. Joseph Superior Court; to the Honorable J. Eric Smithburn; to the clerk of the St. Joseph Superior Court, for entry in the Record of Judgments and Orders; to the Indiana Judicial Center; to the Judicial Qualifications Commission; and to the Division of State Court Administration, Payroll Section.

DONE at Indianapolis, Indiana this \_\_\_\_\_ day of April, 2005.

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Randall T. Shepard  
Chief Justice of Indiana